

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN LEE ISAKSEN,

Defendant.

Case No.: CR19-203RSM

ORDER GRANTING MOTION TO
PROCEED WITH GUILTY PLEA
HEARING BY VIDEO
TELECONFERENCING

I. INTRODUCTION

Before the court is Defendant Ryan Isaksen's motion to proceed with his guilty plea hearing by teleconferencing. Plaintiff United States of America ("the Government") does not oppose Mr. Isaksen's motion and is agreeable to a date during the week of October 26, 2020, if the court is available.

The court has reviewed Mr. Isaksen's motion, the record in this matter and the applicable law. Being fully advised and finding oral argument unnecessary, the court GRANTS Mr. Isaksen's motion, as more fully discussed herein.

1 II. BACKGROUND

2 The Government charged Mr. Isaksen with one count of Conspiracy to Distribute
3 Controlled Substances in violation of 21 U.S.C. §841(b)(1)(A). He is charged with a
4 number of co-defendants after a lengthy investigation.
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6 Trial in this matter is currently set for May 24, 2021 with a pretrial motions deadline
7 of March 25, 2021. The trial date of November 30, 2020 was continued after the COVID-19
8 pandemic prompted the issuance of General Order 01-20 in this district. That order
9 continued nearly all hearings in both civil and criminal matters through at least March 31,
10 2020. On March 17, 2020, citing guidance issued by public health officials, and
11 documented risks to public gatherings and travel, the United States District Court for the
12 Western District of Washington issued General Order No. 02-20. The order closed the
13 courthouse to the public entirely and continued all criminal matters scheduled prior to June
14 1, 2020, pending further order of the court. Several subsequent orders have been issued by
15 this Court.
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18 General Order 04-20, provided for the use of video conferencing or telephone
19 conferencing for felony pleas under Fed.R.Crim.P. 11. Under this order, a phone or video
20 conference plea is authorized, provided that the district judge in the particular case finds for
21 specific reasons that the plea in that case cannot be further delayed without serious harm to
22 the interests of justice. *See* General Order 04-20(2).
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24 The most recent order issued by this district is General Order 15-020. This order
25 continues the procedures established by prior orders 02-20 and 03-20 until January 1, 2021
26 and provided for only one in-person criminal jury trial at a time in the courthouse "for the
27 foreseeable future." That order allows individual judges to proceed with a "very limited
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1 number of in-person hearings in felony criminal proceedings... by issuing orders on a case-
 2 by-case basis so long as such orders address the [aforementioned] public health concerns."

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 4 There is a continued effort on the part of this court to limit the number of in-person
 5 hearings in this district out of continued public health and safety concerns.

6 III. ANALYSIS

7 The Federal Rules of Criminal Procedure make no provision for a defendant to enter
 8 a guilty plea except while in open court. *See generally* Fed.R.Crim.P. Due to the COVID-
 9 19 pandemic and the public health emergency, Congress enacted the Coronavirus Aid,
 10 Relief, and Economic Safety Act ("CARES Act"), which provides that certain criminal
 11 proceedings may proceed by video conferencing during the COVID-19 national
 12 emergency, including a guilty plea in a felony case. *See* CARES Act § 15002. To do so, the
 13 Judicial Conference of the United States first must find that the COVID-19 emergency will
 14 materially affect the functioning of the federal courts generally or a particular court. *Id.*
 15 §15002(b)(2)(A). It has done so. *See* Administrative Office of the United States Courts,
 16 Judiciary News, *Judiciary Authorizes Video/Audio Access During COVID-19 Pandemic*
 17 (March 31, 2020), [https://www.uscourts.gov/news/2020/03031/judiciary-authorizes-](https://www.uscourts.gov/news/2020/03031/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic)
 18 [videoaudio-access-during-covid-19-pandemic](https://www.uscourts.gov/news/2020/03031/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic).

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 21 On March 30, 2020, this Court fulfilled the second requirement of the CARES Act
 22 for permitting guilty plea hearings via video conferencing when the chief judge entered a
 23 finding that "felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and
 24 felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be
 25 conducted in person without seriously jeopardizing public health and safety." *See* GO04-20
 26 at 2; *see also* CARES Act §15002(b)(2)(A). The court is also aware that the Federal
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1 Detention Center is able to provide defendants with the opportunity to appear at hearings by
2 video through Webex and such hearings have been taking place in this district for several
3 months.

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5 Third, the CARES Act requires that the district court in the particular case must find
6 "for specific reasons that the plea...in that case cannot be further delayed without serious
7 harm to the interests of justice." *See* CARES Act §15002(b)(2)(A); *see also* GO 04-20.

8 Accordingly, the court finds that, because Mr. Isaksen and the government have reached an
9 agreement concerning his plea, and for reasons set forth in Mr. Isaksen's motion, the plea
10 hearing in this case "cannot be further delayed without serious harm to the interests of
11 justice." *See* CARES Act §15002(b)(2)(A). Absent intervention, Mr. Isaksen would not be
12 able to participate in a guilty plea hearing until at least January 1, 2021. *See* GO 15-020. In
13 making this finding, the court places emphasis on how long the case has been pending, the
14 reasonable practice of plea offer deadlines to avoid unnecessary motions and trial
15 preparation by the parties, the long process Mr. Isaksen underwent to decide to accept the
16 plea offer and the need to continue to hear cases that can be heard while avoiding in-person
17 hearings that jeopardize public health and safety, when possible. The court also takes into
18 consideration that the government has no objection to proceeding with the plea by way of a
19 video hearing.

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23 ACCORDINGLY, THE COURT ORDERS that the plea hearing in this case be
24 conducted by video teleconference. The court FURTHER ORDERS that Mr. Isaksen's
25 change of plea hearing be conducted before a Magistrate Judge and that the Clerk set a video
26 teleconference hearing as soon as is practicable.
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IV. CONCLUSION

Based on the foregoing analysis, and within the specific parameters set forth above, the court GRANTS Mr. Iasksen's motion to proceed with a guilty plea hearing via video teleconference before a Magistrate Judge.

DATED this 19th of October, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE